

REMARKS

The Official Action mailed November 9, 2009, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statement filed on September 30, 2008, and November 4, 2009.

SECOND REQUEST: However, the Applicant has not received acknowledgment of the Information Disclosure Statements filed on August 16, 2006, and October 17, 2006 (received by OIPE October 19, 2006). The above-referenced Information Disclosure Statements appear in the Image File Wrapper. The Applicant respectfully requests that the Examiner provide initialed copies of the Form PTO-1449s evidencing consideration of the above-referenced Information Disclosure Statements.

Claims 1-11 are pending in the present application, of which claims 1, 2 and 8-11 are independent. Claims 1, 2 and 8-11 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

The Official Action rejects claim 9 under 35 U.S.C. § 112, first paragraph, asserting that claim 9 "contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention" (page 2, Paper No. 20091102). Specifically, the Official Action asserts that "[t]he phrases 'first processor component', 'second processor component', 'third processor component' and [']fourth processor component' are not disclose[d] in the specification nor the drawings" (Id.). Claim 9 has been amended so as to remove the terms "fist processor component," "second processor component," "third processor component," "fourth processor component" and "fifth processor component." The Applicant respectfully submits that amended claim 9 contains subject matter which was

described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

The Official Action rejects claims 1-8, 10 and 11 as anticipated by U.S. Patent No. 6,119,095 to Morita. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended. The Official Action rejects claim 9 as obvious based on the combination of Morita. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See

also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach, either explicitly or inherently, or suggest all the features of the independent claims, as amended. Independent claims 1, 2 and 8-11 have been amended so as to insert the term “specific” immediately before the term “route point” and to recite “thereby increasing the staying time at the specific route point.” As such, each of the amended independent claims clearly recites determining whether there is spare time other than the staying time at the route points and the traveling time among the route points and adding a part or all of the spare time to the staying time at one or more specific route point, if it is determined that there is the spare time, thereby increasing the staying time at the specific route point. As clearly recited in the latter half of each independent claim, the present invention is unique in aiming to increase the staying time at the specific route point. These features, which are believed to be novel, are described in the present invention, for example, at page 34, line 24, to page 35, line 2, which is reproduced as follows (emphasis added):

As described above, in the car navigation device 1 according to this embodiment 1, it is possible to generate such a guidance route that the maximum staying time at each route point is secured under departure/arrival conditions specified by a user, and guide the user along this guidance route. Accordingly, the user can stay at each of route points as long as possible and spend a day fully enjoying sightseeing and meals at the route points.

For the reasons provided below, Morita does not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention.

The Official Action asserts that Morita discloses “an adjustment unit adapted to add a part or all of the spare time to the staying time at one or more route point, if it is determined that there is the spare time (see at least FIG. 5 and FIG. 6A-6C, col. 9, lines 52-67)” (page 4, Paper No. 20091102). The Applicant respectfully disagrees and traverses the assertions in the Official Action.


Morita appears to be directed to an invention that provides "[a]n itinerary preparing system capable of easily preparing a complete travel plan that efficiently incorporates desired visiting places," and Morita teaches a technique of providing a supplementary schedule for filling in "free times" in legs of a trip. However, in Morita, the "free times" are assigned to another schedule (such as "shopping") or these are used to delay the start time (or departure time) of the trip or advance the end time (or return time) of the trip (see column 9, lines 4-16). This is essentially different from the present invention, which ensures the staying time at each of specific route points as long as possible. Therefore, Morita does not teach, either explicitly or inherently, or suggest the above-referenced features of the present independent claims.

Since Morita does not teach, either explicitly or inherently, or suggest the above-referenced features of the present invention, anticipation and obviousness rejections cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, Virginia 20165
(571) 434-6789